

RESOLUTION NO. 09-3897

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF WEST HOLLYWOOD ESTABLISHING A  
POLICY FOR THE DISTRIBUTION OF TICKETS  
AND PASSES RECEIVED BY THE CITY OF WEST  
HOLLYWOOD

THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DOES  
HEREBY RESOLVE AS FOLLOWS:

WHEREAS, on December 11, 2008, the California Fair Political Practices Commission ("FPPC") amended its regulations regarding the distribution of tickets and passes received by public agencies, and the circumstances under which such distribution would not require disclosure by public officials as income or a gift; and

WHEREAS, the FPPC regulations now require the City to set forth a written policy regarding the distribution of tickets and passes received by the City; and

WHEREAS, the FPPC recognizes the discretion of local agency governing bodies, including the City Council, to determine if the distribution of tickets and passes serves a legitimate public purpose of the agency; and

WHEREAS, the receipt of such tickets and passes is a resource of the City and not of its officials or employees; and

WHEREAS, the City desires to distribute this resource in a manner that furthers the public purposes of the City, as described herein; and

WHEREAS, the City has a strong public purpose in ensuring the quality and continued improvement of events and attractions in the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Definitions. Unless specifically stated to the contrary, all terms in this Resolution shall be defined as set forth in California Government Code section 82000, *et seq.*, and California Code of Regulations, Title 2, Division 6, Section 18944.1.

SECTION 2. Purpose of Policy. The purpose of this policy is to ensure all tickets and passes received by the City are distributed in furtherance of the City's stated public purposes and in accordance with California Code of Regulations, Title 2, Division 6, Section 18944.1.

**SECTION 3. Application.** This resolution shall apply only to tickets or passes distributed by the City to, or at the behest of, public officials. This includes distribution of any tickets or passes received under contract or agreement where the consideration to the City includes a certain number of tickets or passes to the event which is the subject of the contract or agreement. Tickets or passes received by an official from sources other than the City shall be treated in accordance with any applicable section of the Political Reform Act and FPPC regulations.

**SECTION 4. Public Purposes.** Tickets and passes shall be distributed by the City only in furtherance of any or all of the following public purposes:

- A. Promotion of local businesses, events, tourism, or public facilities.
- B. Promotion of public or private events on City-owned property.
- C. Promotion of City programs, facilities, and available resources.
- D. Promotion of programs and resources available to the City's residents from sources other than the City.
- E. Promotion or acknowledgement of the achievements or accomplishments of residents or businesses of the City.
- F. Promotion of special events under any City contract or agreement.
- G. Fostering or promotion of economic growth or economic development in the City.
- H. Employee recognition or retention.
- I. Practicing open government through appearances by public officials or participation at public or private events.
- J. Hosting of public or private events intended to serve any of the public purposes identified in this Resolution.
- K. As an incident to the above public purposes, allowing for the immediate family of public officials to accompany the officials to events to accomplish any of the purposes listed in this Resolution.

**SECTION 5. Limitations on Tickets or Passes Distributed to Public Officials.** Tickets or passes distributed to a public official under this policy are solely for the personal use of the official or his or her immediate family. Any unused ticket or pass distributed to a public official under this policy must be returned to the City for redistribution if the ticket or pass remains valid. Under no circumstances may the ticket or pass be sold or further distributed by the official, except to the official's immediate family for their personal use.

**SECTION 6. Other Benefits Not Included.** Recipient officials are cautioned to consult Section 18944.1(f) of the FPPC regulations, which limits the ticket or pass gift exemption to only the value of the ticket or pass, and does not include other benefits received at the event, including food or beverages.

**SECTION 7. Ticket or Pass Distribution.** The City Manager, or his or her designee, shall be responsible for distribution of tickets or passes in accordance with this policy. The City Council hereby authorizes the City Manager to exercise

the City's discretion in determining if distribution of the tickets or passes complies with this policy, including any distribution to the City Manager or his or her immediate family.

**SECTION 8. Posting of Policy.** This policy shall be posted on the City's website in a prominent fashion, as required by Section 18944.1(c) of the FPPC's regulations.

**SECTION 9. Posting of Ticket or Pass Distribution.** In accordance with Section 18944.1(d) of the FPPC's regulations, any distribution of passes or tickets under this policy shall be posted in a prominent fashion on the City's website within thirty (30) days of the distribution. The posting shall contain all information required by Section 18944.1(d). The posting shall use FPPC Form 802, or any form approved for this purpose by the City Manager.

**SECTION 10.** The City Clerk is directed to certify the adoption of this Resolution; record this Resolution in the book of the City's original resolutions; and make a minute of the adoption of the Resolution in the City Council's records and the minutes of this meeting.

**SECTION 11.** This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of West Hollywood at a regular meeting held this 8<sup>th</sup> day of September, 2009 by the following vote:

<b>AYES:</b>	<b>Councilmember:</b>	Duran, Horvath, Prang, Mayor Pro Tempore Heilman, and Mayor Land.
<b>NOES:</b>	<b>Councilmember:</b>	No
<b>ABSENT:</b>	<b>Councilmember:</b>	No
<b>ABSTAIN:</b>	<b>Councilmember:</b>	No

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**ATTEST:**

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